

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARY C. MORGAN)
)
Plaintiff,)
)
vs.) **Case No. 4:13CV766 LMB**
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

This is an action under 42 U.S.C. § 405(g) for judicial review of defendant's final decision denying plaintiff's application for benefits under the Social Security Act. Currently pending is Defendant's Motion for Remand. (Document Number 17). Plaintiff has filed a Response to defendant's motion. (Doc. No. 18). Also pending is plaintiff's pro se Motion for Hearing, which was filed prior to the appointment of counsel and prior to the filing of defendant's Motion for Remand. (Doc. No. 9).

In her motion, defendant requests that the court remand this action to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g). Defendant states that, before the Commissioner filed her answer in this case, the Appeals Council of the Social Security Administration determined that remand was necessary because the claim file and recording of the July 6, 2011 administrative hearing could not be located. Defendant states that, upon receipt of the court's remand order, the Appeals Council of the Social Security Administration will continue to search for the missing recording and contact plaintiff for information if necessary. Defendant further

states that, if the file and recording cannot be located in a reasonable period of time, the Appeals Council will remand the case for a *de novo* hearing.

In her Response, plaintiff states that she has no objection to defendant's Motion for Remand.

Sentence six of 42 U.S.C. § 405(g) provides that:

The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security. . .

The courts finds that it is appropriate to remand this case in order to permit the Commissioner to take the action requested in her motion. Defendant has shown good cause why remand is warranted.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion for Remand (Doc. No. 35) be and it is **granted**.

IT IS FURTHER ORDERED that the this cause be **remanded** to the Commissioner for further proceedings pursuant to sentence six of 42 U.S.C. § 405(g) for those reasons set forth in this Memorandum and Order.

IT IS FURTHER ORDERED that plaintiff's pro se Motion for Hearing (Doc. No. 9) be and it is **denied as moot**.

Dated this 9th day of December, 2013.

Lewis M. Blanton

LEWIS M. BLANTON
UNITED STATES MAGISTRATE JUDGE